

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

Cost Less Distributing

Debtor(s)

Chapter 13

Case No. 24-31912

Honorable Joel D. Applebaum

**EX PARTE/EMERGENCY MOTION TO TEMPORARILY MODIFY
FINAL ORDER GRANTING USE OF CASH COLLATERAL AND FOR
AN EXPEDITED HEARING ON SAME**

NOW COMES Cost Less Distributing, Inc., by and through its attorneys, Simen, Figura & Parker, PLC, by Peter T. Mooney, hereby states for its motion as follows:

1. Debtor filed a motion in this case and obtained approval of a final order granting use of cash collateral at docket 47.
2. That final order incorporated by reference a budget provided by one Debtor's principals, Matthew Ovadek, and filed at docket 37.
3. Debtor's business involves selling pet treats and, perhaps due to the season, has seen recent unexpected increase in orders.
4. Debtor is requesting an order authorizing it to spend an additional \$181,000.00 in November solely on inventory purchases and related shipping costs to satisfy orders for it does not expect to have any

issues with collections. Debtor anticipates collecting \$260,000.00 on these orders. Debtor's proposed order, attached as exhibit one, requires it to document the use of the additional funds solely to purchase inventory and ship that inventory.

5. Pursuant to Rule 9006(c), this Court may shorten a notice period at its discretion.
6. Debtor's counsel has contacted the United States Trustee, the Subchapter V Trustee and counsel for the creditor with the first secured interest in accounts, Velocity Capital, seek consent to this request. While no party in interest has expressed an objection to the request Debtor has not been to confirm that all parties in interest in consent. The United State Trustee has indicated that unless creditor consent is obtained an expedited motion should be filed. If such consent is obtained Debtor will submit a stipulation.
7. Debtor requests an order, in the form attached as exhibit two, setting a hearing on November 26 if possible. Debtor has email addresses for all but 3 creditors and will overnight notice to those creditors. No parties other than the United States Trustee and Subchapter V Trustee have taken an active role in the motion for

use of cash collateral thus far, and US Trustee, Subchapter V Trustee and first secured creditor are aware of this request prior to the filing of this motion.

Respectfully submitted

/s/ Peter T. Mooney
Peter T. Mooney (P47012)
5206 Gateway Centre #200
Flint, MI 48507
(810) 235-9000

Dated: November 22, 2024

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

Cost Less Distributing

Debtor(s)

Chapter 13

Case No. 24-31912

Honorable Joel D. Applebaum

**ORDER GRANTING EXPEDITED HEARING ON MOTION TO
ALLOW USE OF ADDITIONAL CASH COLLATERAL**

THE COURT having reviewed Debtor's ex parte motion to set an expedited hearing;

IT IS HEREBY ORDERED that a hearing on this motion will be held on _____, 2024 at _____. Debtor shall serve this order by email or overnight mail on the United States Trustee, Subchapter V Trustee and all creditors no later than the next business day after it has been entered. If no objections are filed by 5:00 pm the day before the hearing this motion may be granted without hearing.

UNITED STATES BANKRUPTCY
COURT EASTERN DISTRICT OF
MICHIGAN NORTHERN DIVISION

IN RE:

COST LESS DISTRIBUTING, INC.

Chapter 11, Subchapter V
Case No. 24-31912
Hon. Joel D. Applebaum

Debtor.

ORDER ALLOWING DEBTOR TO EXCEED LIMITS ON INVENTORY
AND RELATED EXPENSES IN NOVEMBER, 2024

THE COURT having reviewed Debtor's motion,

IT IS HEREBY ORDERED that the Debtor shall be entitled to spend \$181,000.00 on inventory and shipping expenses in addition to the amount allowed in this Court's order entered at docket 47 during the month of November to allow Cost Less Distributing, Inc. purchase inventory and pay to ship that inventory to fulfill orders. Debtor shall provide documentation to the United State Trustee and Subchapter V Trustee both that these funds were used in a manner consistent with this order, and that Debtor received payment on the orders the inventory was purchased to fulfill.